

**GREENBRIER**  
**RAIL SERVICES**

Greenbrier Rail Services

4350 Northwest Front Avenue  
Portland Oregon 97210  
503 972 5700 Fax 503 226 3192

December 7, 2009

SENT VIA FEDERAL EXPRESS -  
OVERNIGHT DELIVERY

**RECEIVED**

**DEC 09 2009**

Pollution Control Hearings Board  
4224 Sixth Avenue SE  
Bldg. 2, Rowe Six  
Lacey, WA 98504-0903

DEPARTMENT OF ECOLOGY  
OFFICE OF DIRECTOR

Department of Ecology  
Appeals Coordinator  
300 Desmond Drive SE  
Lacey, WA 98503

Re: Amended Notice of Appeal Per Request, PCHB No. 09-141  
Washington Department of Ecology ("Ecology")  
National Pollutant Discharge Elimination System ("NPDES") and State Waste  
Discharge General Permit for Stormwater Discharges Associated With Industrial  
Activities dated October 21, 2009 ("Industrial Stormwater General Permit")

Dear Sir / Madam:

The purpose of this letter is to provide an amended notice of appeal to the Pollution Control Hearings Board ("Board") and to Ecology. As identified in the original notice of appeal, Gunderson Rail Services LLC ("GRS") seeks to appeal the terms and conditions of Section S1.B.3 of the above-referenced Industrial Stormwater General Permit (a copy of the permit is enclosed). This amended notice provides a copy of the permits being appealed for the Rail Services facilities in Chehalis and Tacoma. In addition, this amended notice states the relief sought by GRS. Specifically, GRS seeks an order from the Board stating that Section S1.B.3 is invalid.

The contact address of the appealing party and the applicable facilities are set out below:

Appealing Party:

Gunderson Rail Services LLC  
Attn: David J. Harvey  
Director of Environmental, Health, and Safety  
One Centerpointe Drive, Suite 200  
Lake Oswego, OR 97035  
Daytime telephone number: 503-598-3805  
Fax: 503-684-7553

cc: ☐ Enl. Database Coord.  
☐ Rev/Rec - Cost Recovery  
☐   
Orig: ☐ File - Fax to ATG  
☒ ATG Docket Clerk **E**  
☒ **Jett Killeen**  
Initial: **MC 12/10/09**

December 7, 2009

Page 2

RECEIVED

DEC 09 2009

DEPARTMENT OF ECOLOGY  
OFFICE OF DIRECTOR

Facilities:

Gunderson Rail Services  
139 Habein Road, Chehalis, WA 98532

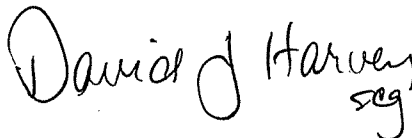
Gunderson Rail Services  
1424 Thorne Road, Tacoma, WA 98421

The grounds upon which GRS considers Section S1.B.3 of Ecology's Industrial Stormwater General Permit unjust and unlawful are set out below.

Section S1.B.3 of the Industrial Stormwater General Permit states that one of the grounds upon which Ecology may require a facility to obtain coverage under the permit is if Ecology determines a facility "conducts industrial activity, or has a SIC code, with stormwater characteristics similar to any industrial activity or SIC code listed in Table 1 in S1.A1." This requirement unlawfully expands the federal NPDES regulation scheme which requires stormwater permits only from those industrial facilities falling under a specific SIC code. In addition, this requirement is too vague and thus gives Ecology's inspectors too much discretion and not enough clear guidance to determine which facilities need an Industrial Stormwater General Permit and which do not.

I have read this petition and it is consistent with CR 11. I attest that the foregoing is true.

Sincerely,

A handwritten signature in dark ink that reads "David J. Harvey" with a small "scg" written below the name.

David J. Harvey

DJH:scg  
Enclosures

cc: Pollution Control Hearings Board (*via regular mail*)  
PO Box 40903  
Olympia, WA 98504-0903

Dept. of Ecology, Appeals Coordinator (*via regular mail*)  
PO Box 47608  
Olympia, WA 98504-7608



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

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October 21, 2009

Kevin Stewart  
GUNDERSON RAIL SERVICES LLC  
139 Habein Rd  
Chehalis, WA 98532

Permit Number: WAR001736  
Site Name: GUNDERSON RAIL SERVICES  
Site Address: 139 Habein Rd  
Site City: Chehalis  
Site County: Lewis

**Re: Industrial Stormwater General Permit Coverage**

Dear Industrial Stormwater General Permittee:

Ecology issued the final Industrial Stormwater General Permit on October 21, 2009. The new permit becomes effective January 1, 2010. Until January 1, 2010, the old permit remains in effect. **Please retain this permit coverage letter with your permit (enclosed), and stormwater pollution prevention plan (SWPPP). It is the official record of permit coverage for your site.**

**New Discharge Monitoring Report**

A new discharge monitoring report (DMR) is enclosed. Please make copies of this new DMR form to begin reporting stormwater sampling results collected after January 1, 2010.

**Permit Overview**

The new Industrial Stormwater General Permit has a number of major changes. Please take the time to read the enclosed attachment describing these changes as well as the permit itself. We are planning to provide training on the new permit in the upcoming months. Please check our website to find more information at: <http://www.ecy.wa.gov/programs/wq/stormwater/industrial/index.html>.

If you would like to receive email informational messages from Ecology regarding the Industrial Stormwater General Permit, please sign up for our listserv at:  
<http://listserv.wa.gov/archives/stormwater-ind-gen-permit.html>.

**Permit Number**

In order to be compatible with federal Environmental Protection Agency (EPA) database requirements, your permit number prefix is being changed from "SO3" to "WAR". This has no effect on your permit requirements however; your permit invoices will retain the "SO3" prefix until July 2010 when they will switch to the "WAR" prefix. All other Ecology correspondence will have the "WAR" prefix.

October 21, 2009

Page 2

### Appeal Options

The terms and conditions of this general permit, being issued October 21, 2009, may be appealed only by filing an appeal to the Pollution Control Hearings Board and by serving it upon the Department of Ecology at the addresses below. Appeals of the general permit must be made within 30 days of issuance or receipt, whichever is later (see chapter 43.21B RCW). ("RCW" is the Revised Code of Washington). The procedures and requirements for the appeal process are contained in RCW 43.21B.310. An appeal must be filed with:

Pollution Control Hearings Board  
P.O. Box 40903  
Olympia, WA 98504-0903

AND

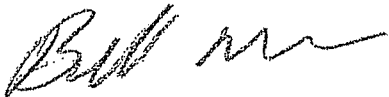
Department of Ecology  
Appeals Coordinator  
P. O. Box 47608  
Olympia, WA 98504-7608

The terms and conditions of a general permit, as they apply to an individual discharger, are also appealable within 30 days of the effective date of coverage of that discharger, in accordance with chapter 43.21B RCW. This appeal is limited to the general permit's applicability or non-applicability to a specific discharger.

### Additional Information

Ecology is committed to providing assistance to you. Please review our web page at <http://www.ecy.wa.gov/programs/wq/stormwater/industrial/index.html>. For questions about this letter or the new permit, please contact Joyce Smith at 360-407-6858 or [josm461@ecy.wa.gov](mailto:josm461@ecy.wa.gov).

Sincerely,



Bill Moore, P.E.  
Program Development Services, Section Manager  
Water Quality Program

Enclosures

cc: Permittee File, Ecology HQ  
Fee Unit, Ecology HQ

**Industrial Stormwater General Permit National Pollutant Discharge Elimination System (NPDES)  
Discharge Monitoring Report (DMR)**

<b>Site Name:</b> GUNDERSON RAIL SERVICES		WAR001736	
<b>Site Address:</b> 139 Habein Rd		Permit Number	Sampling Point
<b>City:</b> Chehalis	<b>County:</b> Lewis		

Submit one DMR per sampling point.

Reporting Period			
Quarter (circle one) Year:			
1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Jan/Feb/Mar	Apr/May/June	Jul/Aug/Sept	Oct/Nov/Dec

Parameter	Units	Benchmark Value	Analytical Method	Laboratory Quantitation Level	Sample Results			
					SINGLE SAMPLE RESULT	SINGLE SAMPLE DATE (MM/DD)	AVERAGE (if more than one sample collected, complete additional sampling log on next page.)	CONSISTENT ATTAINMENT? (Condition 54.B.6) (✓ for yes)
Turbidity	NTU	25	EPA 180.1, Meter	0.5				<input type="checkbox"/>
pH	s.u.	5 - 9	Meter	±0.5			N/A	<input type="checkbox"/>
Zinc, Total	µg/L	117	EPA 200.8	2.5				<input type="checkbox"/>
Oil Sheen	Yes/No	No visible oil sheen	N/A	N/A	Sheen Present? Yes / No (circle)		N/A	N/A
Copper, Total	µg/L	Western WA: 14 Eastern WA: 32	EPA 200.8	2.0				<input type="checkbox"/>

☐ No sample collected – No stormwater was discharged during normal working hours.

☐ No sample collected – Stormwater was discharged during normal working hours, but a sample wasn't collected (explain in comments section).

ADDITIONAL COMMENTS:

Certification Statement: I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name / Title (printed)	Signature (not valid unless signed). See Permit Condition G2 for signature requirements.	Date Signed
------------------------	--	-------------

## ADDITIONAL SAMPLING LOG

Site Name: GUNDERSON RAIL SERVICES		WAR001736	
Site Address: 139 Habein Rd		Permit Number	Sampling Point
City: Chehalis	County: Lewis		

[illegible]

Issuance Date: October 21, 2009  
Effective Date: January 1, 2010  
Expiration Date: January 1, 2015


# INDUSTRIAL STORMWATER GENERAL PERMIT

A National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge  
General Permit for Stormwater Discharges Associated With  
Industrial Activities

State of Washington  
Department of Ecology  
Olympia, Washington 98504-7600

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified or revoked, Permittees that have properly obtained  
coverage under this general permit are authorized to discharge in accordance with the special and  
general conditions which follow.

  
Kelly Susewind, P.E., P.G.  
Water Quality Program Manager  
Washington State Department of Ecology

### APPENDIX 3 - SWPPP CERTIFICATION FORM

The Permittee shall use this form to sign and certify that the Stormwater Pollution Prevention Plan (SWPPP) is complete, accurate and in compliance with Conditions S3 and S8 of the Industrial Stormwater General Permit.

- A SWPPP certification form needs to be completed and attached to all SWPPPs.
- Each time a Level 1, 2, or 3 Corrective Action is required, this form needs to be re-signed and re-certified by the Permittee, and attached to the SWPPP.

Is this SWPPP certification in response to a Level 1, 2 or 3 Corrective Action? ☐ Yes ☐ No

If Yes:

- Type of Corrective Action?: ☐ Level 1 ☐ Level 2 ☐ Level 3
- Date SWPPP update/revision completed: \_\_\_\_\_.

"I certify under penalty of law that this SWPPP and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information to determine compliance with the Industrial Stormwater General Permit. Based on my inquiry of the person or persons who are responsible for stormwater management at my facility, this SWPPP is, to the best of my knowledge and belief, true, accurate, and complete, and in full compliance with Permit Conditions S3 and S8, including the correct Best Management Practices from the applicable Stormwater Management Manual. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

\_\_\_\_\_  
Operator's Printed Name \*

\_\_\_\_\_  
Title

\_\_\_\_\_  
Operator's Signature \*

\_\_\_\_\_  
Date

\* Federal regulations require this document to be signed as follows:

For a corporation, by a principal executive officer of at least the level of vice president;  
For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or  
For a municipality, state, federal, or other public facility, by either a principal executive officer or ranking elected official.

This document shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Ecology.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

Changes to authorization. If an authorization under number 2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of number 2 above shall be submitted to Ecology prior to, or together with, any reports, information, or applications to be signed by an authorized representative.

## **Summary of Major Changes to the Industrial Stormwater General Permit Issued October 21, 2009 and Effective January 1, 2009**

### **1. Condition S3. Stormwater Pollution Prevention Plan (SWPPP)**

Mandatory BMPs shall be implemented no later than July 1, 2010 (See Permit for full detail). The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; and justifies the omission in the SWPPP.

- **Operational Source Control BMPs:**

Vacuum paved surfaces with a vacuum sweeper (or sweeper w/ vacuum attachment) 1/quarter.

Minimize stormwater contamination from dust. Inspect and maintain bag houses monthly.

Keep all dumpsters under cover or keep dumpster lid closed when not in use.

Clean catch basins when at capacity.

Inspect all equipment and vehicles for leaking fluids. Take leaking equipment and vehicles out of service or prevent leaks until repaired.

Store all chemical liquids, fluids, and petroleum products on an impervious surface with containment that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater.

Prevent precipitation from accumulating in containment areas.

Locate spill kits within 25 feet of all stationary fueling stations, fuel transfer stations, and mobile fueling units. Permit defines minimum requirements for spill kits.

Do not lock shut-off fueling nozzles in the open position. Do not "top-off" tanks being refueled.

During fueling block, plug or cover storm drains that receive runoff from areas where fueling.

Use drip pans or equivalent containment measures during all petroleum transfer operations.

Maintain a spill log that documents chemical and petroleum spills.

- **Structural Source Control BMPs:**

Use grading, berming, or curbing to prevent runoff of contaminated stormwater flows and divert run-on away from manufacturing, processing, and material storage areas.

Perform all cleaning operations indoors, under cover, or in bermed areas that prevent stormwater runoff and run-on and capture any overspray. Drain wash water to a collection system for further treatment or storage.

- **Condition S3. SWPPP Signature/Certification**

The Permittee must sign and certify the SWPPP and any revisions.

## 2. Condition S4. Sampling

- Sample each distinct point of discharge off-site; except “substantially identical outfalls”.
- Sample within the first 12 hours of stormwater discharge or as soon as practicable after the first 12 hours.
- Sample the stormwater discharge from the first fall storm event, after October 1<sup>st</sup>.
- Consistent attainment requires that **four** consecutive quarterly samples (after January 1, 2010) be equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.

## 3. Condition S5. Benchmarks and Effluent Limitations

- All facilities sample **copper** (1/quarter): Western WA= **14 ug/L**, Eastern WA= **32 ug/L**
- All facilities inspect discharge locations for “**visible oil sheen**”; oil & grease deleted.
- pH range changed from 6.0 – 9.0 standard units to **5.0 – 9.0 standard units**.
- Various changes to “*Additional Benchmarks and Sampling Requirements Applicable to Specific Industries*”. See Permit for new benchmarks and parameters.

## 4. Condition S6. Discharges to 303(d)-Listed Waters

Numeric effluent limits now apply to facilities with discharges to 303(d)-listed impaired waterbodies (Category 5). Compliance schedules are available. See Permit for details.

## 5. Condition S7. Inspections

Qualified personnel conduct and document visual inspections of the site **monthly**. Dry season and annual comprehensive inspection eliminated.

## 6. Condition S8. Corrective Actions

Level 2 and 3: Permittees that exceed benchmark value (for a single parameter) for any **two quarters** during a calendar year complete a Level 2 Corrective Action (Structural Source Control BMPs). Permittees that exceed benchmark value (for a single parameter) for any **three quarters** during a calendar year complete a Level 3 Corrective Action (Treatment BMPs).

- Revise SWPPP/complete installation by September 30<sup>th</sup> the following year. Time extensions/waivers may be requested. All corrective actions documented in Annual Report; Level 2/3 Source Control Reports eliminated.

A licensed professional engineer, geologist, hydrogeologist, or certified professional in storm water quality (CPSWQ) must design and stamp the portion of the SWPPP that addresses (Level 3) stormwater treatment structures or processes. May be waived on a case-by-case basis.

## 7. Condition S9. Reporting

S9. All Permittee must submit an **Annual Report** to the Department of Ecology no later than May 15<sup>th</sup> of each year (except 2010). Level 1, 2, and 3 corrective actions are summarized in Annual Report.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

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October 21, 2009

Tim Burnett  
GREENBRIAR RAIL SERVICES  
1424 Thorne Road  
Tacoma, WA 98421

Permit Number: WAR010430  
Site Name: GUNDERSON WHEEL  
Site Address: 1424 Thorne Road  
Site City: Tacoma  
Site County: Pierce

**Re: Industrial Stormwater General Permit Coverage**

Dear Industrial Stormwater General Permittee:

Ecology issued the final Industrial Stormwater General Permit on October 21, 2009. The new permit becomes effective January 1, 2010. Until January 1, 2010, the old permit remains in effect. Please retain this permit coverage letter with your permit (enclosed), and stormwater pollution prevention plan (SWPPP). It is the official record of permit coverage for your site.

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A new discharge monitoring report (DMR) is enclosed. Please make copies of this new DMR form to begin reporting stormwater sampling results collected after January 1, 2010.

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If you would like to receive email informational messages from Ecology regarding the Industrial Stormwater General Permit, please sign up for our listserv at:  
<http://listserv.wa.gov/archives/stormwater-ind-gen-permit.html>.

**Permit Number**

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October 21, 2009

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Pollution Control Hearings Board  
P.O. Box 40903  
Olympia, WA 98504-0903

AND

Department of Ecology  
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### Additional Information

Ecology is committed to providing assistance to you. Please review our web page at <http://www.ecy.wa.gov/programs/wq/stormwater/industrial/index.html>. For questions about this letter or the new permit, please contact Josh Klineck at 360-407-7451 or [jokl461@ecy.wa.gov](mailto:jokl461@ecy.wa.gov).

Sincerely,



Bill Moore, P.E.  
Program Development Services, Section Manager  
Water Quality Program

Enclosures

cc: Permittee File, Ecology HQ  
Fee Unit, Ecology HQ

**Industrial Stormwater General Permit National Pollutant Discharge Elimination System (NPDES)  
Discharge Monitoring Report (DMR)**

<b>Site Name:</b> GUNDERSON WHEEL		WAR010430	
<b>Site Address:</b> 1424 Thorne Road		Permit Number	Sampling Point
<b>City:</b> Tacoma	<b>County:</b> Pierce		

Submit one DMR per sampling point.

Reporting Period			
Quarter (circle one) Year:			
1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
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Parameter	Units	Benchmark Value	Analytical Method	Laboratory Quantitation Level	Sample Results		
					SINGLE SAMPLE RESULT	SINGLE SAMPLE DATE (MM/DD)	CONSISTENT ATTAINMENT? (Condition 3.4.b-6) (✓ for yes)
Turbidity	NTU	25	EPA 180.1, Meter	0.5			<input type="checkbox"/>
pH	s.u.	5 - 9	Meter	±0.5			<input type="checkbox"/>
Zinc, Total	µg/L	117	EPA 200.8	2.5			<input type="checkbox"/>
Oil Sheen	Yes/No	No visible oil sheen	N/A	N/A	Sheen Present? Yes / No (circle)		N/A
Copper, Total	µg/L	Western WA: 14 Eastern WA: 32	EPA 200.8	2.0			<input type="checkbox"/>

☐ No sample collected – No stormwater was discharged during normal working hours.

☐ No sample collected – Stormwater was discharged during normal working hours, but a sample wasn't collected (explain in comments section).

ADDITIONAL COMMENTS:

Certification Statement: I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name / Title (printed)	Signature (not valid unless signed). See Permit Condition G2 for signature requirements.	Date Signed
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Issuance Date: October 21, 2009  
Effective Date: January 1, 2010  
Expiration Date: January 1, 2015

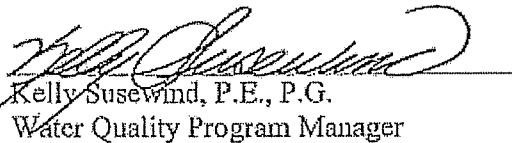
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General Permit for Stormwater Discharges Associated With  
Industrial Activities

State of Washington  
Department of Ecology  
Olympia, Washington 98504-7600

In compliance with the provisions of  
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Kelly Susewind, P.E., P.G.  
Water Quality Program Manager  
Washington State Department of Ecology

### APPENDIX 3 - SWPPP CERTIFICATION FORM

The Permittee shall use this form to sign and certify that the Stormwater Pollution Prevention Plan (SWPPP) is complete, accurate and in compliance with Conditions S3 and S8 of the Industrial Stormwater General Permit.

- A SWPPP certification form needs to be completed and attached to all SWPPPs.
- Each time a Level 1, 2, or 3 Corrective Action is required, this form needs to be re-signed and re-certified by the Permittee, and attached to the SWPPP.

Is this SWPPP certification in response to a Level 1, 2 or 3 Corrective Action? ☐ Yes ☐ No

If Yes:

- Type of Corrective Action?: ☐ Level 1 ☐ Level 2 ☐ Level 3
- Date SWPPP update/revision completed: \_\_\_\_\_.

"I certify under penalty of law that this SWPPP and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information to determine compliance with the Industrial Stormwater General Permit. Based on my inquiry of the person or persons who are responsible for stormwater management at my facility, this SWPPP is, to the best of my knowledge and belief, true, accurate, and complete, and in full compliance with Permit Conditions S3 and S8, including the correct Best Management Practices from the applicable Stormwater Management Manual. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

\_\_\_\_\_  
Operator's Printed Name \*

\_\_\_\_\_  
Title

\_\_\_\_\_  
Operator's Signature \*

\_\_\_\_\_  
Date

\* Federal regulations require this document to be signed as follows:

For a corporation, by a principal executive officer of at least the level of vice president;  
For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or  
For a municipality, state, federal, or other public facility, by either a principal executive officer or ranking elected official.

This document shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Ecology.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

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## **Summary of Major Changes to the Industrial Stormwater General Permit Issued October 21, 2009 and Effective January 1, 2009**

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Mandatory BMPs shall be implemented no later than July 1, 2010 (See Permit for full detail). The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs; and justifies the omission in the SWPPP.

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Use grading, berming, or curbing to prevent runoff of contaminated stormwater flows and divert run-on away from manufacturing, processing, and material storage areas.

Perform all cleaning operations indoors, under cover, or in bermed areas that prevent stormwater runoff and run-on and capture any overspray. Drain wash water to a collection system for further treatment or storage.

- **Condition S3. SWPPP Signature/Certification**

The Permittee must sign and certify the SWPPP and any revisions.

## 2. Condition S4. Sampling

- Sample each distinct point of discharge off-site; except “substantially identical outfalls”.
- Sample within the first 12 hours of stormwater discharge or as soon as practicable after the first 12 hours.
- Sample the stormwater discharge from the first fall storm event, after October 1<sup>st</sup>.
- Consistent attainment requires that four consecutive quarterly samples (after January 1, 2010) be equal to or less than the benchmark value; or for pH, within the range of 5.0 – 9.0.

## 3. Condition S5. Benchmarks and Effluent Limitations

- All facilities sample copper (1/quarter): Western WA= 14 ug/L, Eastern WA= 32 ug/L
- All facilities inspect discharge locations for “visible oil sheen”; oil & grease deleted.
- pH range changed from 6.0 – 9.0 standard units to 5.0 – 9.0 standard units.
- Various changes to “*Additional Benchmarks and Sampling Requirements Applicable to Specific Industries*”. See Permit for new benchmarks and parameters.

## 4. Condition S6. Discharges to 303(d)-Listed Waters

Numeric effluent limits now apply to facilities with discharges to 303(d)-listed impaired waterbodies (Category 5). Compliance schedules are available. See Permit for details.

## 5. Condition S7. Inspections

Qualified personnel conduct and document visual inspections of the site **monthly**. Dry season and annual comprehensive inspection eliminated.

## 6. Condition S8. Corrective Actions

Level 2 and 3: Permittees that exceed benchmark value (for a single parameter) for any **two quarters** during a calendar year complete a Level 2 Corrective Action (Structural Source Control BMPs). Permittees that exceed benchmark value (for a single parameter) for any **three quarters** during a calendar year complete a Level 3 Corrective Action (Treatment BMPs).

- Revise SWPPP/complete installation by September 30<sup>th</sup> the following year. Time extensions/waivers may be requested. All corrective actions documented in Annual Report; Level 2/3 Source Control Reports eliminated.

A licensed professional engineer, geologist, hydrogeologist, or certified professional in storm water quality (CPSWQ) must design and stamp the portion of the SWPPP that addresses (Level 3) stormwater treatment structures or processes. May be waived on a case-by-case basis.

## 7. Condition S9. Reporting

S9. All Permittee must submit an **Annual Report** to the Department of Ecology no later than May 15<sup>th</sup> of each year (except 2010). Level 1, 2, and 3 corrective actions are summarized in Annual Report.

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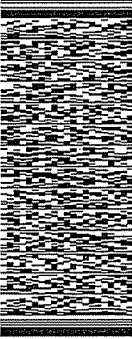

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